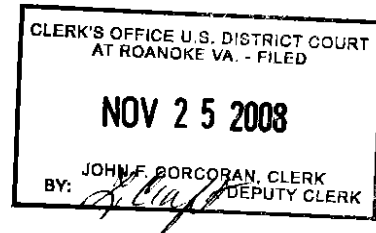


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION



UNITED STATES OF AMERICA

CASE NO. 5:02CR30064

v.

2255 FINAL ORDER

DAVID ALLEN DAY

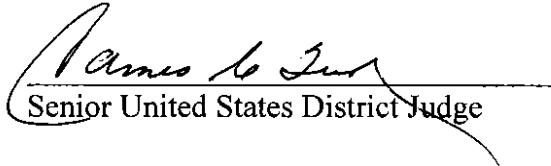
By: Hon. James C. Turk  
Senior United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ORDERED**

that the defendant's submission, entitled "Defendants AUDITA QUERELA petition under the ALL WRITS ACT," but construed by the court as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **DISMISSED** without prejudice as successive and the case is hereby stricken from the active docket.

ENTER: This 25<sup>th</sup> day of November, 2008.

  
Senior United States District Judge